

Amendment dated 02/11/2005
Response to Office Action mailed 08/11/2004

Application No. 09/642,877

REMARKS

Interview of February 8, 2005

The Applicant thanks the Examiner for participating in the helpful interview of February 8, 2005. During the interview, the Applicant discussed differences between aspects of the invention and the teachings found in Friedes. The Applicant also proposed claim amendments to further distinguish the claimed invention from the prior art.

Claim Rejections Under 35 USC §103

Claims 21-22, 58, 59, 61 and 68-72 stand rejected under 35 USC §103(a) as being unpatentable over the Ambalink system and Friedes, U.S. Patent No. 5,771,282.

On page 3, the Office Action relies on Friedes to meet the "charging" feature found in claim 21. As proposed during the interview of February 8, 2005, claim 21 has been amended to include the feature of "upon the occurrence of a specified event, charging the aggregated multiplicity of transactions to a consumer billing account and incurring from a consumer billing authority a processing fee corresponding to the multiplicity of transactions." As discussed during the interview of February 8, 2005, Friedes is not concerned with processing fees and does not teach or suggest "charging the aggregated multiplicity of transactions . . . and incurring from a consumer billing authority a processing fee." The remaining prior art of record also does not teach or suggest this feature.

For at least this reason, the Applicant respectfully submits that claim 21 is in condition for allowance. Claims 58, 59, 61 and 68 include similar limitations and are also in condition for allowance. Claims 22 and 69-72 are dependent claims and are allowable for at least the same reasons as the claims from which they depend.

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Claims 23 and 24 stand rejected under 35 USC §103(a) as being unpatentable over the Ambalink system in view of Friedes, U.S. Patent No. 5,771,282 as applied to claim 21 in view of Joao et al., U.S. Patent No. 6,529,725.

Claims 23 and 24 depend from claim 21 and are allowable for at least the same reasons as claim 21.

Claim 60 stands rejected under 35 USC §103(a) as being unpatentable over the Ambalink system, Friedes, U.S. Patent No. 5,771,282 and of Joao et al., U.S. Patent No. 6,529,725.

Claim 60 has been amended to include the feature of "upon the occurrence of a specified event, charging the aggregated multiplicity of transactions to a consumer billing account and incurring from a consumer billing authority a processing fee corresponding to the multiplicity of transactions" and is allowable for at least reasons similar to those given in the discussion of claim 21 above.

Claim Rejections Under 35 USC §101

Claims 68-72 stand rejected under 35 USC §101 because the claimed invention is alleged to be directed to non-statutory subject matter.

Claim 68 has been amended to include the feature of "aggregating at a billing computer a multiplicity of transactions that involve the consumer." Claim 68 now clearly falls within the technical arts. The Applicant requests reconsideration of the rejection of claim 68 and the claims that depend from claim 68.

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CONCLUSION

Applicants respectfully submit that the instant application is in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone

Respectfully submitted,

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